

SENATE BILL 995

A2

71r0909
CF 71r0829

By: **Senator Rosapepe**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County – Alcoholic Beverages – Class BLX License – Movie**
3 **Theaters**

4 FOR the purpose of authorizing the Prince George's County Board of License
5 Commissioners to issue a Class BLX (on-premises) beer, wine, and liquor license for
6 use in a movie theater with average daily receipts from the sale of certain food that
7 exceed the average daily receipts from the sale of alcoholic beverages; establishing
8 the hours for sale under the Class BLX movie theater license; making certain
9 conforming changes; and generally relating to the issuance of Class BLX beer, wine,
10 and liquor licenses for use in movie theaters.

11 BY repealing and reenacting, without amendments,
12 Article – Alcoholic Beverages
13 Section 26–102
14 Annotated Code of Maryland
15 (2016 Volume and 2016 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Alcoholic Beverages
18 Section 26–1606, 26–1616, and 26–2004(f)
19 Annotated Code of Maryland
20 (2016 Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Alcoholic Beverages**

24 26–102.

25 This title applies only in Prince George's County.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 26–1606.

2 (a) Except as provided in subsection (b) of this section **AND § 26–1616 OF THIS**
3 **SUBTITLE**, the Board may not issue a license for use on the site of a movie theater.

4 (b) This section does not prohibit the issuance of a Class B–DH (drafhhouse)
5 license for use on the site of a drafhhouse, as defined in § 26–1007 of this title.

6 26–1616.

7 (a) There is a Class BLX license.

8 (b) (1) The Board may issue the license for use in:

9 (I) a luxury–type restaurant, as defined in regulations of the Board,
10 that has:

11 [(i)] 1. a minimum capital investment of \$1,000,000 for a dining
12 room facility and kitchen equipment, not including the cost of the land, building, or lease;
13 and

14 [(ii)] 2. seating for at least 100 individuals; OR

15 (II) **A MOVIE THEATER WITH AVERAGE DAILY RECEIPTS FROM**
16 **THE SALE OF FOOD, EXCLUDING CANDY AND POPCORN, THAT EXCEED THE AVERAGE**
17 **DAILY RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES.**

18 (2) If the criteria under paragraph [(1)] **(1)(I)** of this subsection are met,
19 the Board may issue or transfer one Class BLX **RESTAURANT** license on behalf of:

20 (i) the county;

21 (ii) the Maryland–National Capital Park and Planning Commission;
22 or

23 (iii) a private concessionaire under contract with:

24 1. the county; or

25 2. the Maryland–National Capital Park and Planning
26 Commission.

27 (3) The Board may determine:

28 (i) the number of licenses to be issued;

1 (ii) to whom the license may be issued; and

2 (iii) whether a holder of an alcoholic beverages license may have an
3 interest in one Class BLX license.

4 (4) The license authorizes the license holder to sell beer, wine, and liquor
5 for on-premises consumption.

6 (c) (1) Subject to paragraphs (2) and (3) of this subsection, a person may not
7 hold more than 10 Class BLX licenses.

8 (2) The Board may issue:

9 (i) a fifth license to a license holder only if the date of application for
10 the fifth license is at least 1 year after the date the license holder was issued the fourth
11 license; and

12 (ii) a sixth license only if the date of application for the sixth license
13 is at least 1 year after the date the license holder was issued the fifth license.

14 (3) In determining whether to issue a fifth, sixth, seventh, eighth, ninth, or
15 tenth license to a single license holder, the Board:

16 (i) shall consider the number of licensed establishments existing in
17 the area surrounding the site of the proposed licensed establishment; and

18 (ii) may issue an additional license only if the Board determines that
19 the proposed licensed establishment will enhance the recreational, business, and economic
20 development of the area.

21 (d) The profit realized from the sale of an alcoholic beverage under a license
22 issued under subsection (b)(2) of this section may be for the use and benefit of the license
23 holder.

24 (e) The annual license fee is \$3,875.

25 26-2004.

26 (f) (1) **(I)** Subject to paragraph (2) of this subsection, the holder of a Class
27 BLX RESTAURANT license may sell beer, wine, and liquor for on-premises consumption
28 from 6 a.m. to 2 a.m. the following day.

29 **(II) THE HOLDER OF A CLASS BLX MOVIE THEATER LICENSE**
30 **MAY SELL BEER, WINE, AND LIQUOR FOR ON-PREMISES CONSUMPTION ONLY**
31 **DURING THE HOURS THAT MOVIES ARE SHOWN IN THE MOVIE THEATER.**

1 (2) A **CLASS BLX RESTAURANT** license holder may not sell beer, wine, or
2 liquor for on-premises consumption:

3 (i) except as provided in § 26–2005 of this subtitle, from 2 a.m. to 6
4 a.m.; or

5 (ii) at a bar or counter on Sunday, from 6 a.m. to 2 a.m. the following
6 day, unless the Sunday is December 24 or December 31.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
8 1, 2017.